DOCUMENT RESUME

ED 171 101 **EC 115 310**

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TITLE	The Impact of P.L. 94-142 on Collective Bargaining at the Local School District Level.
PUB DATE	Apr 79
NOTE	16p.; Paper presented at the Annual International Convention, The Council for Exceptional Children (57th, Dallas, Texas, April 22-27, 1979, Session W-63)
EDRS PRICE	MF01/PC01 Plus Postage.
DESCRIPTORS	*Collective Bargaining; Decision Making; Elementary Secondary Education; *Federal Legislation; *Handicapped Children; Locus of Control; *Problem Solving; Questionnaires; School Districts; Staff Role; *Teacher Attitudes; Teacher Participation
IDENTIFIERS	*Education for All Handicapped Children Act

ABSTRACT

A survey was conducted to determine the effects of Public Law 94-142 (Education for All Handicapped Children Act) on collective bargaining at the local school district level. Educators affiliated with public schools, institutions of higher learning, and teacher organizations in seven states responded to a formal questionnaire. The results indicated that the issues most likely to surface during the collective bargaining process are: teacher involvement in the planning of policies and procedures which affect their classrooms, and class size, that is pupil/teacher ratio. The overwhelming concern for involvement in decision making may indicate that the classroom teacher feels the locus of control is not within the classroom. Both structural and behavior solutions to these two major concerns of teachers are possible. Among the structural strategies available for handling the concerns are manpower adjustments, staff development, and innovative and flexible staffing patterns. The behavioral strategy calls for the establishment of a task force to deal with the issues and concerns. (Author/PHR)

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THE IMPACT OF P.L. 94-142 ON COLLECTIVE BARGAINING AT THE LOCAL SCHOOL DISTRICT LEVEL

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Presented at the Annual
International CEC Convention

Dallas, Texas
April, 1979

EC115310

ABSTRACT

This paper reports and discusses the results of a survey conducted to determine the effects of P.L. 94-142 on collective bargaining at the local school district level. The results indicate that the issues most likely to surface during the collective bargaining process are: (1) teacher involvement in the planning of policies and procedures which affect their classrooms and (2) class size (i.e., pupil/teacher ratios). The paper concludes with some strategies and tactics to effectively cope with these two potential problem areas.

The Impact of P.L. 94-142 on Collective Bargaining
at the Local School District Level

Introduction

Historically, special education issues have not had a significant impact on school district collective bargaining. Sosnowsky and Coleman (1971) reported that in spite of little attention having been given to special education issues in the negotiations of teachers before the 1970's, they could forsee potential issues. According to two prominent figures in the field of special education (Reynolds & Birch, 1977), in the succeeding years, the special education issues have become much more important.

A recent edition of Education U.S.A. (National School Public Relations Association, 1978) projects a continuing and growing role for collective bargaining in the schools. Furthermore, special education enrollment continues to rise. In 1948, there were only 450,000 students receiving special education services and today that figure has exceeded 3.7 million (Reynolds & Birch, 1977). P.L. 94-142 recognizes the special educational needs of 8 million children! Thus, both collective bargaining as well as special education will become more prominent forces at the local school district level. The interfacing and interaction of these two forces is therefore deserving of greater attention.

The purpose of this session is to address the issue of the impact of P.L. 94-142 on the collective bargaining process, based on the assumption that the law will have significant implications for many terms and conditions of teachers' employment, and that these concerns will surface at future district bargaining sessions. Surprisingly, this topic has received little attention in the professional literature. Neither the education nor business literature speaks to this issue in a detailed or comprehensive manner.

Survey

A survey was conducted to ascertain the effects of P.L. 94-142 on local school district collective bargaining. An expert panel was drawn from the educational leadership in nine selected states. Educators affiliated with public schools, institutions of higher education and teacher organizations were asked to respond to a formal questionnaire. The panel was selected on the basis of expertise and experience in the area of collective negotiations. Questionnaires were returned from seven of the nine states.

The degree of state involvement in educational collective negotiations as represented by the expert panel falls along a continuum from no collective bargaining to long standing, highly organized bargaining (e.g., California is new to collective negotiations, Texas appears to be moving toward collective bargaining, and Louisiana has no collective bargaining while New York and Pennsylvania have for a long time used collective negotiations for education contracts).

Respondents were asked to rank issues of concern to the classroom teacher.

Survey Results

The results indicate that the issues of primary concern are (a) teacher involvement in the planning of policies and procedures (viz. affecting classroom teachers) and (b) pupil/teacher ratio. The overwhelming concern for involvement in decision making may indicate that the classroom teacher feels the locus of control is not within the classroom.

Historically, classroom teachers have felt the need to increase the degree of their involvement in decision making (Conway, 1976). The concept of participative management in educational organizations is not a new one (Argyris, 1964; McGregor, 1960). As Hertzberg et al. (1959) claim, the motivation to

work can only be derived through participation in decisions regarding one's organization. Concerns for involvement in planning for policies and procedures are linked to the second ranked issue regarding pupil/teacher ratio. The decision to place an additional student, a handicapped student into a regular teacher's classroom raises questions of accountability: Will I be able to teach this child? Will I be evaluated according to my ability to teach this handicapped child? Will I be evaluated according to the handicapped child's rate of growth? Will I be able to teach this handicapped child, as well as, my other students? Since job security has become a most critical issue with the continuous decline of enrollments in many areas and the press for tax reform, teachers are safe-guarding themselves against possible abuses within evaluation criteria (Neal, 1978).

If teachers had input in the planning for policies and procedures concerning the implementation of P.L. 94-142, most likely class size would be addressed. John Ryor, President of the National Education Association (NEA) reported in November 1978, that next to salary, class size was the major strike issue of the 60 striking districts in the Fall of 1978 (Kappan, 1978). A recent investigation by Gene Glass and Mary Lee Smith (1979) supports what teachers are saying, namely that even small changes in class size are worthwhile. Sosnowsky and Coleman (1971) found that only 34% of districts surveyed included class size limitations in their contracts. With the attention afforded to the class size by our respondents, the percentage is likely to be much greater. It is the class size issue that has caused the American Federation of Teachers (AFT) Council to call for improvements in P.L. 94-142. These "improvements" are outlined in The American Teacher (1977) as increased expenditures for limiting class size. NEA takes the position that the increasing demands posed by P.L. 94-142 must be responded to with class size limits and scheduling changes

for the classroom teacher. Because of the class size issue, the New York State United Teachers (NYSUT) has recommended nonparticipation in federal funding under P.L. 94-142.

The needs expressed in our survey do not coincide with the major provision of P.L. 94-142, i.e., inservice training for the classroom teacher. More specifically, the results illustrate that administrative arrangements and who makes the decision concerning the administrative arrangements are at the crux of what can be viewed as a dilemma. The panel was asked to explain how the issues of concern could be most readily resolved thus eliminating or at least minimizing this dilemma. A review of the alternatives proposed by the respondents indicates a consensus that there is a need to bring these concerns to the bargaining table.

As might be anticipated, teachers are seeking to negotiate their involvement in planning for and implementing P.L. 94-142. The American Federation of Teachers Manual recognizes that teachers may be stepping onto administrative turf, but in spite of this potential charge the AFT maintains the position that the boundary between working conditions and policy is becoming less and less clear. Similarly, NEA stresses the need for local association involvement in the development and implementation of programs related to P.L. 94-142. Results of our survey appear to indicate that the "preferred practices" (Reynolds and Birch, 1978) of an integrated educational system (i.e., decentralized administrative management of handicapped students) can only be realized with the satisfaction of the classroom teacher.

Recommendations

We will recommend some strategies and tactics to deal with the two major concerns expressed by our expert panel.

The issue of teacher involvement in policy decisions is resolvable through

administrative action. School climate is conducive to greater teacher involvement in decision making. School administrators are increasingly recognizing the right of teachers to participate in decisions which effect their jobs. The benefits of improved morale and productivity are often realized. In addition, there are a number of ways available to provide teachers with the opportunity to participate in policy decisions.

The pupil/teacher ratio issue may be decomposed into two more basic concerns. One centers on non-instructional duties (e.g., attendance of IEP meetings) required of teachers by P.L. 94-142. The other concern relates to the responsibility of regular classroom teachers to educate handicapped youngsters. Both concerns are manifested in pupil/teacher ratio contract clauses. Fewer students per classroom would help to reduce the problems associated with both concerns.

There are a variety of strategies and tactics available to deal with these issues and concerns. According to Morris and Sashkin (1976), solutions to conflicts tend to be one of two types. They may be of a structural or behavioral nature.

Structural solutions resolve conflict by removing the basis of conflict. Often this involves some redesign of the actual work process. This can be accomplished in two ways. Administrators can devise structures and mechanisms to prevent or resolve conflicts outside the collective bargaining arena, or contract negotiators can seek resolution through bargaining the terms and conditions of employment.

Behavioral solutions usually are more difficult to reach because of negative feelings held by conflicting parties. With solutions of this type it is necessary to deal with these feelings in order to establish effective communication between conflicting parties. An emphasis is placed on attempting

to understand one another and working through problems to resolve conflict. This approach also can be utilized within and outside of the collective bargaining process.

We will suggest strategies and tactics associated with both types of solutions for each issue.

Structural Strategies and Tactics to Resolve Teachers' Non-Instructional Role Dilemma

STRATEGY #1: Use a structured approach to help teachers accept their new non-teaching roles.

TACTIC: Use the Concerns Based Adoption Model (CBAM) to provide needed support to teachers as they progress through the various stages leading to adoption of this innovation. This approach recognizes that different kinds of support are needed by different teachers and that their needs change. For example, teachers progress from personal concerns (i.e., how will it effect me) to "consequence" concerns (i.e., how will it effect my kids). Different kinds of support are needed for these separate and distinct stages of concern (Birch & Reynolds, 1977).

STRATEGY #2: Assign additional manpower and reassign and/or provide additional compensation to existing manpower.

TACTIC A: Hire additional aides and/or clerical personnel to assist teachers in non-instructional activities.

TACTIC B: Reduce other non-teaching roles (e.g., hall monitoring).

TACTIC C: Compensate teachers for additional non-instructional workload by providing time off and/or extra pay.

STRATEGY #3: Establish efficient administrative procedures.

TACTIC A: Run efficient pupil planning meetings by using a structured agenda and attending to group process.

TACTIC B: Hire substitutes to permit teachers to attend meetings during an entire day.

TACTIC C: Divide labor efficiently (e.g., have special education teachers draft IEPs and have regular education teachers fill in details).

TACTIC D: Hold paper work to a minimum (encourage brief and concise reports).

A Structural Strategy and Tactic to Resolve Teachers' Policy Role Dilemma

STRATEGY: Establish organizational structures to involve teachers in policy decisions which are relevant to their assignments and within the boundaries of their expertise.

TACTIC: Establish at the district level a teacher review committee to address concerns associated with the implementation of P.L. 94-142. This will ensure that teachers' perspectives and professional concerns are voiced.

Structural Strategies and Tactics to Resolve Regular Teachers' Concerns Over Mainstreaming

STRATEGY #1: Make staff development a high priority.

TACTIC A: Foster teacher competencies (e.g., individualizing instruction) and positive teacher attitudes (i.e., encourage a commitment to working with handicapped youngsters).

TACTIC B: Provide staff development beyond traditional inservice activities. Create options for sabaticals, field trips, staff exchanges, etc.

TACTIC C: Establish a "buddy" system between special and regular educators.

TACTIC D: Host regional workshops to allow regular teachers to share their experiences and successes.

TACTIC E: Offer inservice training on topics of high interest and high need to teachers at convenient times.

TACTIC F: Reward staff for inservice participation.

STRATEGY #2: Establish innovative and flexible staffing patterns.

TACTIC A: Use professional teaming, teacher consultants, etc.

TACTIC B: Make assignments of handicapped children to regular classroom to optimize the match between the child's needs and the teacher's ability. This can be done on the basis of a teacher's training and/or experience.

TACTIC C: Release teachers from other building responsibilities (e.g., cafeteria duty) or compensate them accordingly.

STRATEGY #3: Establish criteria for the entrance and retention of handicapped youngsters in regular classrooms.

TACTIC A: Set student behavioral standards.

TACTIC B: Establish a weighted formula. For example, according to Birch & Reynolds (1977), the Denver Classroom Teachers Association has negotiated and achieved a system for "class size relief." A formula system is used as part of the Denver plan utilizing the following weighting factors:

Type of Student	Weight Factor
Normal	1.0
Slow Learners	1.5
Emotionally Disturbed	2.5
Significantly Limited Intelligence Capacity	2.0
Hyperactive	2.5 (NEA, 1977)

A maximum class size of 30 can result in fewer than 15 students per regular classroom by applying this formula.

Behavioral Strategy and Tactics to Resolve All Three Issues

STRATEGY #1: Organize a task force comprised of union representatives and administrators to deal with issues and concerns associated with the implementation of P.L. 94-142.

TACTIC A: Establish collaborative atmosphere. Issues raised are shared problems associated with the response to a third party (i.e., the law).

TACTIC B: In addition to informal discussion, task forces should use a structured problem solving model to facilitate group process. For instance, Morris & Sashkin (1976) suggest a sequence of steps that groups should use to solve problems. They are:

1. decompose issues - identify and analyze each problem.
2. brainstorm solutions.
3. consider the obstacles and opportunities provided by each solution (consider intermediate and long range solutions. Also consider gradual phase in options).
4. select and plan for solution(s).

The strategies and tactics we have defined and discussed are summarized in the following chart (Table I).

TABLE I

STRATEGIES AND TACTICS FOR DEALING WITH THREE POTENTIAL COLLECTIVE BARGAINING ISSUES ASSOCIATED WITH THE IMPLEMENTATION OF P.L. 94-142

SOLUTION: STRATEGIES & TACTICS	STRUCTURAL STRATEGY	STRUCTURAL TACTIC	BEHAVIORAL STRATEGY	BEHAVIORAL TACTIC
ISSUES: NON-TEACHING ROLE	MODEL TO AID ACCEPTANCE OF NON-TEACHING ROLE	CBAM	TASK FORCE COMPRISED OF UNION REPS & ADMINISTRATORS TO DEAL WITH ALL 3 ISSUES AND CONCERNS ASSOCIATED WITH THE IMPLEMENTATION OF P.L. 94-142	ESTABLISH COLLABORATIVE ATMOSPHERE
	MANPOWER ADJUSTMENTS	REDUCE STAFF'S NON-TEACHING RESPONSIBILITIES. HIRE ADDITIONAL STAFF, COMPENSATE EXISTING STAFF		
	EFFICIENT ADMINISTRATIVE PROCEDURES	-RUN EFFICIENT MEETINGS -HIRE SUBSTITUTES -DIVIDE LABOR -MINIMIZE PAPERWORK		
POLICY DEVELOPMENT ROLE	ORGANIZATIONAL STRUCTURE TO PERMIT TEACHER PARTICIPATION	-ESTABLISH TEACHER REVIEW COMMITTEES AT THE DISTRICT LEVEL		USE STRUCTURAL PROBLEM SOLVING MODEL
RESPONSIBILITY OF REGULAR CLASSROOM TEACHERS FOR HANDICAPPED YOUNGSTERS	STAFF DEVELOPMENT	-FOSTER COMPETENCIES AND POSITIVE ATTITUDES -MANY OPTIONS -BUDDY SYSTEM -REGIONAL WORKSHOPS -INTERESTING & NEEDED TOPICS -REWARD STAFF		
	INNOVATIVE & FLEXIBLE STAFFING PATTERNS	-PROFESSIONAL TEAMING -STUDENT ASSIGNMENT PROCEDURES -COMPENSATE TEACHERS		
	ENTRANCE & EXIT CRITERIA	-STUDENT BEHAVIORAL STANDARDS -WEIGHTED FORMULA		

REFERENCES

The American Teacher, Jan. 1977, pg. 9

Argyris, C. Integrating the individual and the organization. (New York: John Wiley, 1964).

Conway, J. A. Participation in schools. Administrative Science Quarterly, 21, 1976.

Glass, G. and Smith, M., "The Class Size/Achievement Issue: New Evidence and a Research Plan" Phi Delta Kappan, March, 1979.

Hertzberg, F. B. et al., The motivation to work. (New York: Wiley, 1959).

Morris, W. C., and Sashkin, M. Organizational behavior in action. St. Paul, Minnesota: West Publishing Company, 1976.

National School Public Relations Association. Collective bargaining forecast: More of the same. Education U.S.A., 1978, 20 (21), 153.

Neal, R. G. The U.S. teacher strike scene, 1978-79. Phi Delta Kappan, 1978, 60 (4), 327-328.

Reynolds, M. and Birch, J. Teaching Exceptional Children in All America's Schools. Reston, Virginia: Council for Exceptional Children, 1977.

Ryor, J. "Wages, Class Size Drive more Teachers to Strike", Phi Delta Kappan, November 1978, p. 257.

Sosnowsky, W. and Coleman, T. Special Education in the Collective Bargaining Process. Phi Delta Kappan, 1971, 52, (10), 610-613.

University of Pennsylvania Law Review, Kirp, 12 (1) 1973, 705-797.